



LEGAL UPDATE · POLICY DEVELOPMENT · RESOURCES

Continued Detention After Finding of No PC – Eleventh Circuit

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DAIGLE LAW GROUP

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Today, we will head to the Sunshine State to review a case involving an OUI stop, and arrest followed by an eight-hour detention. The problem in this case arises shortly after the arrestee, Seana Barnett, arrived at the booking facility and blew a .00. This case took a circuitous path from the initial stop on March 15, 2014 to the final 11th Circuit ruling issued on April 15, 2020. And, believe it or not, the case was still not over.

This case brings up two important concerns: first, what is your agency's practice with regard to the release of an arrestee once it is determined that the arrest may be faulty and two, what procedures do you have in place to assure your policies meet constitutional muster?

FACTS

In the early morning hours of March 15, 2014, Seminole County Sheriff's Deputy Sara Macarthur observed a vehicle stopping at a green light and then continuing on at a slow speed. The Deputy followed the vehicle for awhile and then activated her emergency lights and pulled the vehicle over. The Deputy testified that Ms. Barnett's eyes appeared glassy and bloodshot, she seemed a bit incoherent and fumbled for her driving documents.

The Deputy had Barnett step from the car and she conducted a number of Field Sobriety tests. Barnett had trouble completing the tests and explained to the officer that this was due to injuries she had sustained in an earlier accident and which she was still receiving treatment for. Disregarding Barnett's claims, Deputy Macarthur placed Barnett under arrest and transported her to the County Detention center.

Once at the center, Barnett was administered two breath tests; she blew a .00 on both tests. Barnett was then administered a urine test, even though there was no suspicion of drug use by either the arresting officer or detention staff. The tests came back negative for drugs four weeks after the test was administered. Following the administration of the urine test Barnett signed a "Written Promise to Appear". This was still not the end of her stay with the Seminole County Detention Center.

Based on SCSO policy, OUI arrestees are required to be held for a minimum of eight hours following their arrest. This requirement includes detainees who blow a .00 on their breath sample. Accordingly,

Barnett was held in detention until 1:13 PM in the afternoon. The prosecutor declined to prosecute the OUI charge and the charges were dismissed.

Barnett then filed a Section 1983 claim against Deputy Macarthur for False Arrest and Malicious Prosecution and a Monell claim against the Sheriff alleging that the eight-hour hold policy was a violation of her 4th Amendment protections. The trial court granted Summary Judgment in favor of the Sheriff, finding that the policy followed a state law that allowed an OUI arrestee to be held up to eight hours after the arrest.

A jury trial was held concerning the claims against Deputy Macarthur on the 4th Amendment claims and the jury returned a defendant's verdict in favor of Macarthur.

Ms. Barnett then appealed the Summary Judgment motion granted in favor of the Sheriff.

Eleventh Circuit Findings

Past legal updates have brought up *Monell* claims. In short, so that we fully understand Ms. Barnett's filing, a *Monell* claim can be filed when a plaintiff is alleging that there was an official policy or practice that resulted in a constitutional violation. In this case, Barnett is alleging that the mandatory eight-hour hold policy violates her 4th Amendment protections. Because the Sheriff is the policy maker for the agency, the Sheriff is liable.

The Sheriff first argued that the policy was written in conformance with Florida Statute 316.193(9). That statute provided three release options for OUI arrestees. The statute provides that an OUI arrestee may not be released until:

- The person is determined to be no longer under the influence; or
- The person's BAC level is below .05; or
- 8 hours have elapsed since the person was arrested.

The court observed that the statute allows officers to use their discretion within the context of one of the three factors to determine whether release is appropriate. In contrast, the agency policy left no room for discretion and required that officers hold all OUI detainees for the full eight-hour period. Under these circumstances the Sheriff could not rely on the statute to defend the policy.

The Sheriff then argued that he cannot be held liable under *Monell* because the jury found in favor of Deputy Macarthur. Typically, if the offending officers are cleared of the underlying constitutional claims, the *Monell* claims against the agency head are also dismissed. But there are several exceptions. The Court determined that the extended detention was a direct result of the agency's policy

and the officers had no discretion to deviate from that policy. Furthermore, the claims against the Deputy were founded on the initial stop and arrest. Under these circumstances the jury verdict in favor of the Deputy “could not insulate the Sheriff from a Section 1983 claim under *Monell* for the 8- hour mandatory hold policy”.

TAKEAWAYS

This case went back to the trial court to determine the Sheriff’s liability. In past cases we have examined the importance of the Qualified Immunity defense. Interestingly, agency heads sued in their “Official Capacity” are not afforded the Qualified Immunity defense.

So, let’s again review the two important issues here; first, how does your agency deal with the release of arrestees once the basis for probable cause that supported the initial arrest is brought into question? Whether you follow the Daigle Law Group directive or have your own agency policy it is important to cover this issue and be sure to follow your guidelines when you run into this situation.

Secondly, we understand the myriad of issues that arise when developing good agency policies and procedures. One critical factor is to assure the directives meet constitutional muster. If you are going to rely on a statute to defend your agency practice, then it is important that your policy accurately reflect the mandates of the statute.

***Barnett v. MacArthur*, No. 16-17179 (11th Cir. 2020)**